

Notice of Allowability

Application No.

10/663,443

Examiner

Christopher R. Buchanan

Applicant(s)

HUTCHISON ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed October 17, 2006.
2. ☒ The allowed claim(s) is/are 2,4-6 and 9-12.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 2/1/07
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Allowable Subject Matter

1. Claims 2, 4-6, and 9-12 are allowed.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance:

The prior art, Williams, US 6,119,105, teaches a method for purchasing a product from a merchant /seller computer (See for example Columns 13-20) using a virtual payment account that includes receiving a request from a buyer/consumer computer to purchase the product from the seller computer using the virtual payment account; in response to said purchase request, determining whether the buyer computer is associated with the virtual payment account; in response to determining that said buyer computer is associated with the virtual payment account, applying a cost of the product to the virtual payment account and providing the product to a buyer associated with the buyer computer, and the use of a main account and sub-account (See for example Fig. 31).

Regarding claim 2, Williams lacks the teaching of transmitting an alternate authentication request from a buyer computer to a commerce gateway, sending an alternate authentication message from the gateway to a buyer authentication device, retrieving the alternate authentication message, verifying the alternate authentication message with the commerce gateway, and determining that the buyer computer is associated with a virtual payment account.

The limitations lacking in the prior art, in combination with the other limitations clearly claimed for patent, are novel and unobvious.

The foreign prior art, Kawazoe, EP 0883076 A2 (provided by applicant), teaches a network charge method and system for purchasing a product across a network wherein a charge server receives access requests from a customer, identifies the customer, identifies the contents owner for which access is requested, accesses the contents, transmits the contents to the customer, and subtracts the price of the contents from the customer account.

Regarding claim 2, Kawazoe lacks the teaching of transmitting an alternate authentication request from a buyer computer to a commerce gateway, sending an alternate authentication message from the gateway to a buyer authentication device, retrieving the alternate authentication message, verifying the alternate authentication message with the commerce gateway, and determining that the buyer computer is associated with a virtual payment account.

The limitations lacking in the prior art, in combination with the other limitations clearly claimed for patent, are novel and unobvious.

The non-patent literature, Marion, *Datamation* article, teaches using various means for authentication of Internet transactions, including the use of social security numbers or maiden names as an additional form of authentication for large transactions.

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Regarding claim 2, Marion lacks the teaching of transmitting an alternate authentication request from a buyer computer to a commerce gateway, sending an alternate authentication message from the gateway to a buyer authentication device, retrieving the alternate authentication message, verifying the alternate authentication message with the commerce gateway, and determining that the buyer computer is associated with a virtual payment account.

The limitations lacking in the prior art, in combination with the other limitations clearly claimed for patent, are novel and unobvious.

Conclusion

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Buchanan whose telephone number is 571-272-8134. The examiner can normally be reached on Mon.-Fri. 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CB

 3/5/07
F. RYAN ZEENDER
PRIMARY EXAMINER